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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,899	06/02/2001	Scott A. Eden	01090	4623

7590

10/09/2002

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EXAMINER

TRAN A, PHI DIEU N

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 10/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/872,899

Applicant(s)

EDEN, SCOTT A.

Examiner

Phi D A

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 32-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. Applicant's election with traverse of claims 1-31 in Paper No. 4 is acknowledged. Since applicant has not presented any reason why the election is traversed, the election is thus treated as being without traverse. The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5-20, 23-28, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padilla (5869159) in view of Morris (2943876) and Alves (5054011).

Padilla shows a column having an adjustable flexible strap (50), a stiff skirt (16) circumferentially adjustable relative to the column, the strap being an annular band member having ends for disposing in lapped relation, the column being circular, the skirt allowing immediate and easy access to the columnar support.

Padilla does not show an adjustable jack having a base plate for supporting and securing the columnar support, a mechanically adjustable clamp for attaching the adjustable, stiff skirt to the adjustable flexible strap and to the columnar support.

Morris shows a mechanically adjustable clamp for attaching a stiff skirt to the columnar support.

Alves shows an adjustable jack having a base plate for supporting and securing the columnar support and for adjusting the height of the column.

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It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Padilla to show an adjustable jack for supporting and securing the columnar support, a mechanically adjustable clamp for attaching the adjustable, stiff skirt to the adjustable flexible strap and to the columnar support because having an adjustable jack at the bottom of the column would allow for supporting and securing the post and for adjusting the height of the column, and having a mechanically adjustable clamp for attaching a stiff skirt to the columnar support would further enhance the secured wrapping around of the skirt to the post.

Per claim 6, Padilla as modified shows all the claimed structures. Padilla's modified inherently can be used in the claimed environment.

3. Claims 2, 15-16, 21-22, 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padilla (5869159) in view of Morris (2943876) and Alves (5054011).

Padilla as modified shows all the claimed limitations except for the column support having a top end and a bottom end, the jack being placed at either the top end or the bottom end.

Alves further shows a jack being placed at the bottom end of the column support.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Padilla's modified structures to show the column support having a top end and a bottom end, the jack being placed at either the top end or the bottom end because having a jack placed at the top or bottom end is well-known in the art as it provides for dimensional adjustability.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Padilla (5869159) in view of Morris (2943876) and Alves (5054011).

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Padilla as modified by Morris and Alves shows all the claimed limitations except for the flexible strap being constructed of a moisture adsorbing material.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Padilla's modified structures to show the flexible strap being constructed of a moisture adsorbing material because examiner takes Official Notice of the equivalence of moisture adsorbing material and thin polymeric material for their use in the covering art and the selection of any of these known equivalents to fasten to cover the column support would be within the level of ordinary skill in the art.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different covering apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Phi Dieu Tran A  
October 1, 2002

PA

LANNA MAI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Lannama